

Executive Summary – Enforcement Matter – Case No. 48938
J&S Water Company, L.L.C.
RN101270080
Docket No. 2014-0955-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Woodland Acres Subdivision, 4914 Riverview Drive, near Mont Belvieu, Chambers County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: October 10, 2014

Comments Received: No

Penalty Information

Total Penalty Assessed: \$550

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$550

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: Yes

Statutory Limit Adjustment: \$425

Applicable Penalty Policy: September 2002 and April 2014

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J&S Water Company, L.L.C.
RN101270080
Docket No. 2014-0955-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 27, 2014 through June 13, 2014

Date(s) of NOE(s): June 13, 2014

Violation Information

1. Failed to timely submit a Disinfectant Level Quarterly Operating Report (“DLQOR”) to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to timely provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR [30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A) and (f)].
2. Failed to timely mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to timely submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements [30 TEX. ADMIN. CODE § 290.117(i)(6) and (j)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following:

- a. On July 16, 2014, provided the DLQORs for the first quarter through the third quarter of 2011, the first quarter through the fourth quarter of 2012, and the second quarter through the fourth quarter of 2013;
- b. On July 16, 2014, provided the lead consumer notification for the January 1, 2013 through December 31, 2013 monitoring period; and
- c. On August 4, 2014, provided the public notifications regarding the failure to submit DLQORs for the first and second quarters of 2011 and the second quarter of 2013.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
 - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, including but not limited to the public notifications regarding the failure to submit DLQORs; and
 - ii. Update the Facility’s operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs.

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Docket No. 2014-0955-PWS-E

- b. Within 45 days, submit written certification demonstrating compliance with Ordering Provision a.i.
- c. Within 90 days, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.
- d. Within 285 days, submit written certification demonstrating compliance with Ordering Provision c.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Lisa Westbrook, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1160; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456
TCEQ SEP Coordinator: N/A
Respondent: Charles J. Nowling, Director, J&S Water Company, L.L.C., P.O. Box 1165, Highlands, Texas 77562
Timothy M. Ervin, Vice President, J&S Water Company, L.L.C., P.O. Box 1165, Highlands, Texas 77562
Respondent's Attorney: N/A

DATES	Assigned	16-Jun-2014	Screening	3-Jul-2014	EPA Due	30-Jun-2013
	PCW	7-Aug-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	J&S Water Company, L.L.C.
Reg. Ent. Ref. No.	RN101270080
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION	
Enf./Case ID No.	48938
Docket No.	2014-0955-PWS-E
Media Program(s)	Public Water Supply
Multi-Media	
No. of Violations	1
Order Type	Findings
Government/Non-Profit	No
Enf. Coordinator	Lisa Westbrook
EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50
Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)		Subtotal 1	\$20
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	15.0% Enhancement	Subtotals 2, 3, & 7	\$3
Notes	Enhancement for three NOVs with the same/similar violations.		
Culpability	No 0.0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$0
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
<div style="display: flex; justify-content: space-between;"> <div> Total EB Amounts \$25 Estimated Cost of Compliance \$339 </div> <div style="font-size: small;">*Capped at the Total EB \$ Amount</div> </div>			
SUM OF SUBTOTALS 1-7		Final Subtotal	\$23
OTHER FACTORS AS JUSTICE MAY REQUIRE		0.0%	Adjustment
Reduces or enhances the Final Subtotal by the indicated percentage.			
Notes			
		Final Penalty Amount	\$23
STATUTORY LIMIT ADJUSTMENT		Final Assessed Penalty	\$100
DEFERRAL	0.0% Reduction	Adjustment	\$0
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)			
Notes	No deferral is recommended for Findings Orders.		
PAYABLE PENALTY		\$100	

Screening Date 3-Jul-2014

Docket No. 2014-0955-PWS-E

PCW

Respondent J&S Water Company, L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 48938

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101270080

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 15%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for three NOVs with the same/similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 15%

Screening Date 3-Jul-2014

Docket No. 2014-0955-PWS-E

PCW

Respondent J&S Water Company, L.L.C.

Policy Revision 2 (September 2002)

Case ID No. 48938

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101270080

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A) and (f)

Violation Description

Failed to timely submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to timely provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR. Specifically, the Respondent did not timely submit DLQORs for the first quarter and the second quarter of 2011 and did not timely provide public notification regarding the failure to timely submit DLQORs for the first quarter and the second quarter of 2011.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor
			X

Percent 1%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 2

180 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$20

Two quarterly events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$20

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$25

Violation Final Penalty Total \$23

This violation Final Assessed Penalty (adjusted for limits) \$100

Economic Benefit Worksheet

Respondent J&S Water Company, L.L.C.
Case ID No. 48938
Reg. Ent. Reference No. RN101270080
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	27-May-2014	28-Feb-2015	0.76	\$2	n/a	\$2
Training/Sampling	\$100	27-May-2014	28-Feb-2015	0.76	\$4	n/a	\$4
Other (as needed)	\$44	10-Mar-2011	16-Jul-2014	3.35	\$7	n/a	\$7
Other (as needed)	\$100	27-May-2014	28-Feb-2015	0.76	\$4	n/a	\$4
Other (as needed)	\$50	11-Mar-2011	4-Aug-2014	3.40	\$9	n/a	\$9

Notes for DELAYED costs

The record keeping and training/sampling costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that the self-reporting requirements are properly accomplished, including the timely submittal of signed and certified quarterly DLQORs, calculated from the record review date to the estimated date of compliance. The other delayed cost includes the estimated amount to prepare and submit DLQORs (\$22 per report x 2 missed reports), calculated from the date the report was due for the first quarter of 2011 to the date the reports were submitted. The second other delayed cost includes the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner, calculated from the date of the record review date to the estimated date of compliance. The third other delayed cost includes the estimated amount to provide public notifications (\$25 per notification x 2 notifications), calculated from the initial date the first public notification was due to the date the public notifications were submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$339

TOTAL

\$25



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	16-Jun-2014	Screening	3-Jul-2014	EPA Due	30-Jun-2013
	PCW	7-Aug-2014				

RESPONDENT/FACILITY INFORMATION

Respondent	J&S Water Company, L.L.C.		
Reg. Ent. Ref. No.	RN101270080		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	48938	No. of Violations	2
Docket No.	2014-0955-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Lisa Westbrook
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$90
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	15.0% Enhancement	Subtotals 2, 3, & 7	\$13
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Notes: Enhancement for three NOVs with the same/similar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$222
Estimated Cost of Compliance \$256

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$102
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OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage.

0.0%

Adjustment

Notes

Final Penalty Amount	\$102
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STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty	\$450
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DEFERRAL

0.0%

Reduction

Adjustment

\$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$450

Screening Date 3-Jul-2014

Docket No. 2014-0955-PWS-E

PCW

Respondent J&S Water Company, L.L.C.

Policy Revision 4 (April 2014)

Case ID No. 48938

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101270080

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 15%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for three NOVs with the same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 15%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 15%

Screening Date 3-Jul-2014

Docket No. 2014-0955-PWS-E

PCW

Respondent J&S Water Company, L.L.C.

Policy Revision 4 (April 2014)

Case ID No. 48938

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101270080

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A) and (f)

Violation Description

Failed to timely submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to timely provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR. Specifically, the Respondent did not timely submit DLQORs for the third quarter of 2011, the first quarter through the fourth quarter of 2012, and the second quarter through the fourth quarter of 2013 and did not timely provide public notification regarding the failure to submit DLQORs for the second quarter of 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			X

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 8

730 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$80

Eight quarterly events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$80

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$221

Violation Final Penalty Total \$92

This violation Final Assessed Penalty (adjusted for limits) \$400

Economic Benefit Worksheet

Respondent J&S Water Company, L.L.C.
Case ID No. 48938
Reg. Ent. Reference No. RN101270080
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$176	10-Oct-2011	16-Jul-2014	2.77	\$24	n/a	\$24
Other (as needed)	\$25	11-Jul-2013	4-Aug-2014	1.07	\$1	n/a	\$1

Notes for DELAYED costs

The delayed costs to ensure that the self-reporting requirements are properly accomplished, including the timely submittal of signed and certified quarterly DLQORs and to ensure that all necessary public notifications are provided in a timely manner are captured in the Economic Benefit for Violation No. 1 of the Revision 2 PCW. The first other delayed cost includes the estimated amount to prepare and submit DLQORs (\$22 per report x 8 missed reports), calculated from the date the report was due for the third quarter of 2011 to the date the reports were submitted. The second other delayed cost includes the estimated amount to provide public notification (\$25 per notification x 1 notification), calculated from the date the public notification was due to the date the public notification was submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$201	TOTAL	\$221
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Screening Date 3-Jul-2014

Docket No. 2014-0955-PWS-E

PCW

Respondent J&S Water Company, L.L.C.

Policy Revision 4 (April 2014)

Case ID No. 48938

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101270080

Media [Statute] Public Water Supply

Enf. Coordinator Lisa Westbrook

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.117(I)(6) and (j)

Violation Description

Failed to timely mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to timely submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements. Specifically, the Respondent did not timely mail the consumer notification to the persons served at the locations sampled and did not timely submit the consumer notification and the required certification to the TCEQ for the January 1, 2013 through December 31, 2013 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$990

\$10

Violation Events

Number of Violation Events 1

90 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$10

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$1

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes The Respondent achieved compliance on July 16, 2013.

Violation Subtotal \$9

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1

Violation Final Penalty Total \$11

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent J&S Water Company, L.L.C.
Case ID No. 48938
Reg. Ent. Reference No. RN101270080
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$55	31-Dec-2013	16-Jul-2014	0.54	\$1	n/a	\$1

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail the consumer notification for the January 1, 2013 through December 31, 2013 monitoring period to persons served at the locations that were sampled and to the TCEQ $((\$0.50 \times 10 \text{ sampled locations} + \$50) \times 1 \text{ year})$, calculated from the date the consumer notification was due to the date the consumer notification was submitted.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$55

TOTAL

\$1

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN602975252, RN101270080, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN602975252, J&S Water Company, L. L. C. **Classification:** SATISFACTORY **Rating:** 11.68

Regulated Entity: RN101270080, WOODLAND ACRES SUBDIVISION **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 4914 RIVERVIEW DRIVE, NEAR MONT BELVIEU, CHAMBERS COUNTY, TEXAS

TCEQ Region: REGION 12 - HOUSTON

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0360027

Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

Date Compliance History Report Prepared: July 02, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 02, 2009 to July 02, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Lisa Westbrook

Phone: (512) 239-1160

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
N/A

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

2	Date: 02/26/2014 (1172542)	CN602975252	
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)		
	Description: DLQOR MR PN 2Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the second quarter of 2013.		
3	Date: 05/20/2014 (1172542)	CN602975252	
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)		
	Description: DLQOR MR 4Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2013 within the required timeline.		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)		
	Description: DLQOR MR 3Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2013 within the required timeline.		

N/A

N/A

N/A

N/A

N/A

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 7/2/2009 and 7/2/2014

- 1 Date: 07/28/2009 (762806) CN602975252
Classification: Moderate
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(D)
Description: Failure to provide scales for determining the amount of disinfectant used daily, as well as the amount of disinfectant remaining for use.
Classification: Moderate
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)
Description: Failure to provide a full-face self-contained breathing apparatus or supplied air respirator that meets OSHA standards for construction and operation which must be located outside the chlorination room in an accessible location.
Classification: Moderate
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to properly maintain the regulated entities by not repairing the down portions of the water plant fence, removing the trash and storm debris from the water plant and cutting back and controlling the trees and brush along the fence including maintaining the barb wire in a 45 degree angle with the smooth side of the fence on the outer wall for proper security at the facility. (Water Plant # 1)
Classification: Moderate
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)
Description: Failure to provide a housed and locked enclosure for hypochlorinator solution containers and pumps, to protect them from vandalism and adverse weather conditions.
- 2 Date: 09/13/2011 (1172542) CN602975252
Classification: Moderate
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2011 within the required timeline.
Classification: Moderate
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2011 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2011 within the required timeline.
- 3 Date: 11/14/2011 (957575) CN602975252
Classification: Moderate
- Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to properly maintain the regulated entities by not repairing the down portions of the water plant fence, removing the trash and storm debris from the water plant and cutting back and controlling the trees and brush along the fence including maintaining the barb wire in a 45 degree angle with the smooth side of the fence on the outer wall for proper security at the facility. (Water Plant # 1)
Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)
Description: Failure to provide each ground storage tank with a ladder to facilitate routine inspection of roof hatches, vents, overflows, the structural integrity of the roof covering, and the protective coating of the interior by agency inspectors and the water system operator.

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
Description: Failure to conduct an inspection of the pressure tanks annually, to determine that the pressure release device and pressure gauge are working properly, the air-water ratio is being maintained at the proper level, the exterior coating systems are continuing to provide adequate protection to all metal surfaces, and that the tank remains in a watertight condition. Pressure tanks provided with an inspection port must have the interior surface inspected every five years.

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)
Description: Failure to provide a housed and locked enclosure for hypochlorinator solution

containers and pumps, to protect them from vandalism and adverse weather conditions. The solution container lid must be properly covered and sealed to prevent the entry of dust, insects, and other contaminants.

Classification: Minor

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(6)
Description: Failure to design a system to afford effective circulation of water with a minimum of dead ends. All dead-end mains must be provided with acceptable flush valves and discharge piping. All dead-end lines less than two inches in diameter will not require flush valves if they end at a customer service. Where dead ends are necessary as a stage in the growth of the regulated entity, they must be located and arranged with a view to ultimately connecting them to provide circulation.

4*

Date: 12/14/2012 (1172542) CN602975252

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DLQOR MR PN 2Q2011 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the second quarter of 2011.

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DLQOR MR PN 1Q2011 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the first quarter of 2011.

5

Date: 11/13/2013 (1172542) CN602975252

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2013 within the required timeline.

6	Date: 02/26/2014 (1172542)	CN602975252	Classification: Moderate
	Self Report? NO	For Informational Purposes Only	
	Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.122(f)	
	Description:	DLQOR MR PN 2Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the second quarter of 2013.	
7	Date: 05/20/2014 (1172542)	CN602975252	Classification: Moderate
	Self Report? NO	For Informational Purposes Only	
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)	
	Description:	DLQOR MR 4Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2013 within the required timeline.	
		Classification: Moderate	
	Self Report? NO	For Informational Purposes Only	
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(e)(5) 30 TAC Chapter 290, SubChapter F 290.110(f)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)	
	Description:	DLQOR MR 3Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2013 within the required timeline.	

* NOVs applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

Appendix B

All Investigations Conducted During Component Period July 02, 2009 and July 02, 2014

	(762806)	
Item 1	July 20, 2009**	For Informational Purposes Only
	(957575)	
Item 2	November 07, 2011**	For Informational Purposes Only
	(1008924)	
Item 3	September 10, 2012**	For Informational Purposes Only
	(1172542)	
Item 4	June 09, 2014	For Informational Purposes Only
	(1173096)	
Item 5	June 13, 2014	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
J&S WATER COMPANY, L.L.C.
RN101270080**

**§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-0955-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding J&S Water Company, L.L.C. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 4914 Riverview Drive, near Mont Belvieu, Chambers County, Texas (the "Facility") that has approximately 234 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted from May 27, 2014 through June 13, 2014, TCEQ staff documented that the Respondent did not timely submit Disinfectant Level Quarterly Operating Reports ("DLQOR") for the first quarter through the third quarter of 2011, the first quarter through the fourth quarter of 2012, and the second quarter through the fourth quarter of 2013 and did not timely provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit DLQORs for the first and second quarters of 2011 and the second quarter of 2013.
3. During a record review conducted from May 27, 2014 through June 13, 2014, TCEQ staff documented that the Respondent did not timely mail the consumer notification to the persons served at the locations sampled and did not timely submit the consumer notification and the required certification to the TCEQ for the January 1, 2013 through December 31, 2013 monitoring period.
4. The Respondent received notice of the violations on June 17, 2014.
5. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On July 16, 2014, provided the DLQORs for the first quarter through the third quarter of 2011, the first quarter through the fourth quarter of 2012, and the second quarter through the fourth quarter of 2013;
 - b. On July 16, 2014, provided the lead consumer notification for the January 1, 2013 through December 31, 2013 monitoring period; and
 - c. On August 4, 2014, provided the public notifications regarding the failure to submit DLQORs for the first and second quarters of 2011 and the second quarter of 2013.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE CH. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to timely submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to timely provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit a DLQOR, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A) and (f).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to timely mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to timely submit to the TCEQ a copy of the consumer

notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements, in violation of 30 TEX. ADMIN. CODE § 290.117(i)(6) and (j).

4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Five Hundred Fifty Dollars (\$550) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Five Hundred Fifty Dollar (\$550) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Five Hundred Fifty Dollars (\$550) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: J&S Water Company, L.L.C., Docket No. 2014-0955-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, including but not limited to the public notifications regarding the failure to submit DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.122; and

- ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110.
- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.ii.; and
- c. Within 90 days after the effective date of this Agreed Order, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- d. Within 285 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this

paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Pam Maritz
For the Executive Director

2/18/15
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of J&S Water Company, L.L.C. I am authorized to agree to the attached Agreed Order on behalf of J&S Water Company, L.L.C., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, J&S Water Company, L.L.C. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Jerry Nowling
Signature

2-2-15
Date

Jerry Nowling
Name (Printed or typed)
Authorized Representative of
J&S Water Company, L.L.C.

President/Owner
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.